



ORIGINAL

FILED
DISTRICT COURT OF GUAM

APR 19 2023

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CLERK OF COURT

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

CRIMINAL CASE NO.

23-00013

Plaintiff,

vs.

SUNG PEEL HWANG a/k/a DON
SUNGPEEL HWANG,

Defendant.

INDICTMENT

BANK FRAUD

[18 U.S.C. § 1344(1)]

[Counts 1 - 15]

AGGRAVATED IDENTITY THEFT

[18 U.S.C. § 1028A]

[Count 16]

MONEY LAUNDERING

[18 U.S.C. § 1957]

[Count 17]

NOTICE OF FORFEITURE

[18 U.S.C. § 982(a)(1) and (a)(2)(A)]

THE GRAND JURY CHARGES:

INTRODUCTION

At all times material to this Indictment:

1. Defendant SUNG PEEL HWANG a/k/a DON SUNGPEEL HWANG worked as an office manager for Korean Air Lines' ("KAL") Guam office.

2. KAL maintained a business checking account at the Bank of Guam (BOG *3860),

1 a federally insured financial institution in the District of Guam. KAL used this account to pay for
2 business expenses on Guam.

3 3. As the office manager, the Defendant SUNG PEEL HWANG a/k/a DON
4 SUNGPEEL HWANG, was a signatory on the KAL bank account at the Bank of Guam.

5 4. KAL had a policy requiring two signatures from authorized signatories on all
6 business checks.

7 5. All airlines operating out of A.B. Won Pat International Airport (known as the
8 Guam International Airport or "GIAA") were required to pay a Passenger Facility Charge ("PFC")
9 which is a fee paid by the airline to GIAA for each passenger on each flight operated out of GIAA.

10 6. One of Defendant SUNG PEEL HWANG a/k/a DON SUNGPEEL HWANG's
11 duties as office manager was to report the number of passengers and corresponding PFC due to
12 the KAL main office each month. KAL would then wire the required funds to KAL's Bank of
13 Guam bank account.

14 7. Defendant SUNG PEEL HWANG a/k/a DON SUNGPEEL HWANG was then
15 responsible for issuing a check payable to GIAA in the amount of PFC due, obtaining the signature
16 of another authorized signatory, and providing the check and PFC report to GIAA.

17 8. Defendant SUNG PEEL HWANG a/k/a DON SUNGPEEL HWANG's other
18 duties included paying GIAA for office rental and tracking and paying other office expenses using
19 the KAL bank account at the Bank of Guam.

20 **COUNTS 1-15 – BANK FRAUD**

21 9. From on or about December 2015 until on or about December 11, 2018, in the
22 District of Guam, the Defendant SUNG PEEL HWANG a/k/a DON SUNGPEEL HWANG, did
23 knowingly execute a scheme and artifice to defraud Bank of Guam, a federally insured financial
24 institution, and to obtain moneys, funds, credits, and other property owned by and under the

1 custody and control of Bank of Guam, by means of materially false and fraudulent pretenses,
2 representations, and promises.

3 It was part of the scheme and artifice that:

4 10. Defendant SUNG PEEL HWANG a/k/a DON SUNGPEEL HWANG maintained
5 a personal checking account at the Bank of Guam and changed his mailing address to correspond
6 to the KAL office address located at GIAA.

7 11. Defendant SUNG PEEL HWANG a/k/a DON SUNGPEEL HWANG fraudulently
8 modified legitimate KAL checks made out to pay PFC and other office expenses by changing the
9 payee to himself.

10 12. Defendant SUNG PEEL HWANG a/k/a DON SUNGPEEL HWANG then
11 deposited the fraudulent checks into his personal Bank of Guam checking account.

12 13. Defendant SUNG PEEL HWANG a/k/a DON SUNGPEEL HWANG produced
13 PFC reports that underreported the correct number of passengers and PFC owed to GIAA.

14 14. Defendant SUNG PEEL HWANG a/k/a DON SUNGPEEL HWANG then issued
15 checks payable to GIAA in an amount less than the true amount KAL owed and less than the
16 amount of the KAL checks he had deposited into his personal checking account.

17 15. Defendant SUNG PEEL HWANG a/k/a DON SUNGPEEL HWANG then kept the
18 difference for his own personal use.

19 16. At various times during the scheme, Defendant SUNG PEEL HWANG a/k/a DON
20 SUNGPEEL HWANG also modified legitimate KAL checks, deposited them into his personal
21 checking account, and kept the entirety of the funds for his personal use.

22 17. At various times during the scheme, Defendant SUNG PEEL HWANG a/k/a DON
23 SUNGPEEL HWANG forged the signature of his co-signatory on KAL checks in order to make
24 them appear legitimate.

1 18. At various times during the scheme, Defendant SUNG PEEL HWANG a/k/a DON
2 SUNGPEEL HWANG fraudulently induced his co-signatories to sign KAL checks that he later
3 made out to himself.

4 19. The following checks, each check constituting a separate count, were fraudulently
5 deposited into SUNG PEEL HWANG a/k/a DON SUNGPEEL HWANG's personal checking
6 account at the Bank of Guam:

COUNT	DEPOSIT DATE	CHECK NO.	AMOUNT	ACCOUNT
1	05/16/18	9899	\$95,652.19	BOG *3860
2	05/21/18	9901	\$2,522.45	BOG *3860
3	05/21/18	9902	\$1,035.32	BOG *3860
4	06/11/18	9956	\$61,960.45	BOG *3860
5	07/12/18	10013	\$14,852.18	BOG *3860
6	07/16/18	10024	\$60,559.68	BOG *3860
7	07/25/18	10008	\$1,380.00	BOG *3860
8	08/10/18	10070	\$65,510.48	BOG *3860
9	09/13/18	10141	\$68,734.41	BOG *3860
10	10/10/18	10212	\$2,800.00	BOG *3860
11	10/18/18	10246	\$54,918.15	BOG *3860
12	11/13/18	10285	\$46,614.91	BOG *3860
13	11/19/18	10304	\$8,235.76	BOG *3860
14	12/06/18	10335	\$5,386.00	BOG *3860
15	12/11/18	10341	\$61,178.07	BOG *3860

16 All in violation of Title 18, United States Code, Section 1344.

17 **COUNT 16 – AGGRAVATED IDENTITY THEFT**

18 20. On or about December 11, 2018, in the District of Guam, the Defendant, SUNG
19 PEEL HWANG a/k/a DON SUNGPEEL HWANG, did knowingly use, without lawful authority,
20 a means of identification of another person, to wit: the name and signature of T.W.K. The
21 Defendant did so during and in relation to a felony violation enumerated in Title 18, United States
22 Code, Section 1028A(c), to wit: Bank Fraud, in violation of Title 18, United States Code, Section
23 1344, knowing that the means of identification belonged to another actual person, in violation of
24 Title 18, United States Code, Section 1028A(a)(1).

COUNT 17 – MONEY LAUNDERING

21. Paragraphs 1-20 of this Indictment are re-alleged and incorporated as though fully set forth herein.

22. On or about December 12, 2018, in the District of Guam and elsewhere, the Defendant SUNG PEEL HWANG a/k/a DON SUNGPEEL HWANG, did knowingly engage, attempt to engage, cause to engage and attempt to cause to engage in monetary transactions, affecting interstate and foreign commerce, in criminally derived property that was of a value greater than \$10,000, that is the deposits, withdrawal, transfer, exchange of funds for monetary instruments, as set forth below, such property having been derived from specified unlawful activity, that is bank fraud a violation of Title 18, United States Code, Section 1344, as set forth in Counts 1-15, all in violation of Title 18, United States Code, Sections 1957 and 2.

ACCOUNT NAME	BANK	DATE	CHECK NO.	AMOUNT
SUNG PEEL HWANG	Bank of Guam	12/12/18	311	\$59,000.00

CRIMINAL FORFEITURE ALLEGATION NO. 1

BANK FRAUD

18 U.S.C. § 1344

1. The allegations contained in Counts 1 through 15 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(2)(A).

2. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1344 set forth in Counts 1 through 15 of this Indictment, the Defendant, SUNG PEEL HWANG a/ka/ DON SUNGPEEL HWANG, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violations. The property to be forfeited includes, but is not limited to, the following:

1 **MONEY JUDGMENT**

2 A sum of money representing the amount of proceeds obtained as a result of the offenses.

3 3. If any of the property described above, as a result of any act or omission of the
4 Defendant:

- 5 a. cannot be located upon the exercise of due diligence;
6 b. has been transferred or sold to, or deposited with, a third party;
7 c. has been placed beyond the jurisdiction of the Court;
8 d. has been substantially diminished in value; or
9 e. has been commingled with other property which cannot be divided without
10 difficulty,

11 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title
12 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section
13 982(b)(1) and Title 28, United States Code, Section 2461(c).

14 All pursuant to Title 18, United States Code, Section 982(a)(2)(A) and Title 28, United
15 States Code, Section 2461(c).

16 **CRIMINAL FORFEITURE ALLEGATION NO. 2**
17 **MONEY LAUNDERING**
18 **18 U.S.C. § 1957**

19 4. The allegations contained in Count 17 of this Indictment are hereby realleged and
20 incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States
21 Code, Section 982(a)(1).

22 5. Pursuant to Title 18, United States Code, Section 982(a)(1), upon conviction of the
23 offense in violation of Title 18, United States Code, Section 1957, the Defendant SUNG PEEL
24 HWANG a/ka/ DON SUNGPEEL HWANG, shall forfeit to the United States of America any
property, real or personal, involved in such offense, and any property traceable to such property.

1 The property to be forfeited includes, but is not limited to, the following:

2 **MONEY JUDGMENT**

3 A sum of money representing the amount of funds involved in the offense or traceable to
4 such funds.

5 6. If any of the property described above, as a result of any act or omission of the
6 Defendant:

- 7 a. cannot be located upon the exercise of due diligence;
8 b. has been transferred or sold to, or deposited with, a third party;
9 c. has been placed beyond the jurisdiction of the court;
10 d. has been substantially diminished in value; or
11 e. has been commingled with other property which cannot be divided
12 without difficulty,

13 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title
14 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section
15 982(b)(1) and Title 28, United States Code, Section 2461(c).

16 DATED this 19th day of April, 2023.

17 A TRUE BILL. *h*

18
19 **REDACTED**

20 SHAWN N. ANDERSON
21 United States Attorney
22 Districts of Guam and the NMI

23 By:

24 
BENJAMIN K. PETERSBURG
Assistant U.S. Attorney